

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION**

<b>JOHN E. WHITE,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 4:08-CV-278-VEH-TMP</b>
	)	
<b>OFFICER D. LESLEY, et al</b>	)	
	)	
<b>Defendants.</b>	)	

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**MEMORANDUM OF OPINION**

The magistrate judge filed a report and recommendation on August 4, 2009, recommending that the plaintiff's motions for summary judgment (Docs. 34 & 37) be denied. The magistrate judge further recommended that the defendants' special reports (Docs. 31 & 36) be treated as motions for summary judgment and, as such, that the motions be granted and this action be dismissed with prejudice. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. The Court **EXPRESSLY FINDS** that there are no genuine issues of material fact and that the defendants are entitled to judgment as a

matter of law. Accordingly, the plaintiff's motions for summary judgment are due to be **DENIED** and the defendants' motions for summary judgment are due to be **GRANTED** and this action is due to be **DISMISSED WITH PREJUDICE**. A Final Judgment will be entered.

**DONE** this the 4th day of September, 2009.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written over a horizontal line.

**VIRGINIA EMERSON HOPKINS**  
United States District Judge